

111TH CONGRESS
1ST SESSION

H. R. 1027

To exempt second-hand sellers of certain products from the lead content and certification requirements of the Consumer Product Safety Improvement Act of 2008.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2009

Mr. POSEY (for himself and Mr. BRIGHT) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To exempt second-hand sellers of certain products from the lead content and certification requirements of the Consumer Product Safety Improvement Act of 2008.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Thrift Store Protection
5 Act”.

6 **SEC. 2. CERTAIN REQUIREMENTS INAPPLICABLE TO SEC-**
7 **OND-HAND SELLERS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, for the 2-year period beginning on the date

1 of enactment of this Act, it shall not be a violation of sub-
2 sections (a)(1) or (a)(2) of section 19 of the Consumer
3 Product Safety Act (15 U.S.C. 2068) or of section 4(a)
4 of the Federal Hazardous Substances Act (15 U.S.C.
5 1263(a)) for a second-hand seller to sell, offer for sale,
6 or distribute in commerce—

7 (1) a specified used product for resale that is
8 treated as a banned hazardous substance under the
9 Federal Hazardous Substances Act (15 U.S.C. 1261
10 et seq.) because of the application of section 101(a)
11 of the Consumer Product Safety Improvement Act of
12 2008 (15 U.S.C. 1278a); or

13 (2) a specified used product without the label
14 required by section 14(c) of the Consumer Product
15 Safety Act (15 U.S.C. 2063(c)).

16 (b) DEFINITIONS.—In this Act—

17 (1) the term “specified used product” means an
18 article of clothing, a textile, shoes, or a book that,
19 when sold or offered for sale, has previously been
20 purchased for use by a consumer; and

21 (2) the term “second-hand seller” means—

22 (A) a consignment shop, thrift shop, or
23 similar enterprise that sells, offers for sale, or
24 distributes in commerce a product after the
25 first retail sale of that product;

1 (B) an individual who utilizes the Internet,
2 a yard sale, or other casual means of selling, or
3 offering for sale, such a product; or

4 (C) a person who sells, or offers for sale,
5 such a product at an auction for the benefit of
6 a nonprofit organization.

7 **SEC. 3. GAO STUDY.**

8 The Comptroller General shall conduct a study on the
9 application of consumer product safety standards, rules,
10 and bans to specified used products and the impact that
11 such application has on second-hand sellers. Not later
12 than 1 year after the date of enactment of this Act, the
13 Comptroller General shall transmit to Congress a report
14 of the study including—

15 (1) recommendations on whether and how to
16 apply consumer product safety standards, rules, and
17 bans to such products and whether certain products
18 can and should be exempted from such standards,
19 rules, or bans; and

20 (2) any necessary accommodations that should
21 be made for second-hand sellers, including rec-
22 ommendations for any necessary legislation.

○